

MINUTES OF THE HANOVER BOROUGH COUNCIL
CONDITIONAL USE HEARING

June 28, 2021

Vice President Rupp called to order the Conditional Use Hearing of the Hanover Borough Council at 7:00 PM Monday, June 28, 2021, in the Guthrie Memorial Library – Lower Level – Bare Center, 2 Library Place, Hanover, Pennsylvania, as advertised.

Attendance: In attendance were Borough Council Members Darlene Funk, Charles Hegberg, Ray Hoover, Tim Kress, Chris Lockard, Scott Roland, Vice President Barbara Rupp and Mayor SueAnn Whitman; Solicitor Timothy J. Shultis; Staff Members Manager Nan Dunford, Administrative Assistant to Planning & Engineering Lisa Graham-Herrick and Zoning Officer P. Eric Mains, P.E.; and Stenographer Deb Zepp.

Vice President Rupp explained the purpose of this Conditional Use Hearing is to consider an application filed by Lora Cecere Hypes, on behalf of 213 Primrose, LLC, for Conditional Use approval for Short-Term Rental, pursuant to Section 140-302. B. of the Zoning Ordinance of the Borough of Hanover (Ordinance No. 2310) [advertised for adoption on June 16, 2021] at the properties located at 209 Primrose Lane and 213 Primrose Lane, Hanover Borough, York County, Pennsylvania which said properties are in Lower Density Residential [R-1] Zoning District.

Additional Attendees: Applicant for Conditional Use of 209 Primrose Lane, Lora Cecere Hypes, 213 Primrose, LLC; Solicitor Walter Tilly, representing Ms. Cecere Hypes; Michael Reiblich, representing Bon-Ton Builders as well as several citizens of the community.

Solicitor Shultis clarified the difference between a party of the hearing vs. general comments or opinions. Anyone wishing to be entered on the record as a party to the hearing will need to complete a signed entry of appearance and present it to Solicitor Shultis. A party to the hearing has the right to question the applicant requesting conditional use as well as Borough Council. Solicitor Shultis requested anyone wishing to be entered on formal record as a party of this hearing, come forward with a signed entry of appearance form at this time. The following citizens provided a signed entry of appearance form and were sworn in as parties to the hearing:

Betsy Beall	390 Dart Drive, Hanover, PA 17331
Nancy Clagg	400 Deerfield Drive, Hanover, PA 17331
Lynda Butt	405 Deerfield Drive, Hanover, PA 17331
Peg Sennett	167 Primrose Lane, Hanover, PA 17331
Michael Fiery	453 Deerfield Drive, Hanover, PA 17331
Prudence Keffer	439 Deerfield Drive, Hanover, PA 17331
Jack Keffer	200 Honeysuckle Court, Hanover, PA 17331
Michael Hrinyak	304 Deguy Avenue, Hanover, PA 17331

Pete Keriazes 409 Barberry Drive, Hanover, PA 17331
John Hollinger 5 Holly Court, Hanover, PA 17331
Jim Baumgardner 308 Grant Drive, Hanover, PA 17331
Kenneth Wenger 1026 Stonecroft Drive, Hanover, PA 17331
Walter Tilley 221 West Philadelphia Street, York, PA 17401

Solicitor Shultis asked if anyone else would like to be sworn in as a party to the hearing. Hearing no additional requests, Solicitor Shultis outlined the procedures to be followed during this hearing; a copy of which was provided as a handout to the those in attendance.

Solicitor Shultis presented the Administrative Exhibits on behalf of Borough Council:

Exhibit 1 - Application for Conditional Use submitted by Lora Cecere Hypes
Exhibit 2 - Proof of Advertisement for the Condition Use Hearing
Exhibit 3 - Review letter from the Hanover Borough Planning Commission
Exhibit 4 - Written comments from citizens not in attendance
Exhibit 5 - Selected Sections from the Zoning Ordinance of the Borough of Hanover, Ordinance 2310

Solicitor Tilly had no objection to the written comments from citizens not in attendance.

Mr. Mains read aloud the Conditional Use Application submitted by Ms. Cecere Hypes.

Lora Cecere Hypes, 7 Dart Manor Court, Hanover, PA was sworn in for the hearing to present her response to her proposed Conditional Use Application, which was provided in writing to Borough Council.

Ms. Cecere Hypes stated she will speak first, followed by Mr. Reiblich, who will address the site plan and house to be constructed on lot 209 Primrose Lane as well as address stormwater concerns.

The property located at 209 and 213 Primrose Lane, also known as lots 4&5 in the Primrose subdivision are undeveloped land. These lots were purchased by Ms. Cecere Hypes prior to submission of the Condition Use Application, which is the first of its kind for the Borough of Hanover.

The proposed use of the land is a five-bedroom residential house with public utilities, including sewer and water; to be constructed on 209 Primrose Lane and used as a quilting retreat. The property will include a fenced in pool, gas firepit and open barbeque for guests to utilize while on site. The home is comparable to other single-family homes. 213 Primrose Lane is the owner of the property housing the retreat. The home is designed to minimize noise; as neighbors, Ms. Cecere Hypes and Ms. Beall, who will serve as the designated coordinator for the retreat, will monitor all activities at the property. Entry to the house will be secured with an electronic lock, requiring a passcode. The home will have designated parking; a driveway including ten (10) side by side parking spaces next to the house with a turn-around behind the house. There will be adequate off-street parking as well. There shall be no commercial traffic or deliveries to the property. No activities will be permitted at the property after 9:00p.m. No exterior lighting will on the property, but there will be up-lighting and a well landscaped yard.

Once the home is no longer being used for a quilting retreat, it will be sold as a single-family dwelling. Ms. Cecere Hypes has a will in place stating such. She is also in agreement that once the property is no longer a quilting retreat, all conditions for the Short-Term-Rental use shall revert to a residential property. The quilting retreat will have parameters to operate; as such, no guests under the age of 18 will be permitted. The quilting retreat will be open to neighbors on Tuesday evenings for scrap quilting with any finished products donated back to the community. No quilts will be sold from the site, guests will be taking their quilts home with them.

The property is pet free and smoke free. No candles or fire will be allowed in the house. As previously noted, a gas grill and fire pit will be available outside for guests as well as a fenced in pool. Attendees are required to sign a "rules of the road" agreement. Failure to abide by any of the rules will result in immediate removal from the property. No meals or alcohol will be provided to guests, all meals are the sole responsibility of guests. A full kitchen is available as well as local catering or delivery services. No more than 12 guests at a time will be permitted on the property during any retreat stay. Guests are not permitted outside visitors during their stay. All guests must be vaccinated for COVID 19 and provide proof of vaccination. The average age of a quilter is 40 years old.

There will be no manufacturing, or mass production of any kind, at the property. Guests may request small parcel consignment or assistance with items to be mailed at the post office during their stay. As a short-term-rental property, which is an allowable use in the current zoning ordinance, no entertainment of any kind is permitted at the property. Part of the guest experience will be the convenience of the designated coordinator and the use of designated sewing machines as well as a long-arm quilting machine to rent to finish their quilts on-site to take home with them.

Check-in will be on Thursdays and check-out on Sundays, with the intention of guests remaining at the property for most of their stay, the exception being to get meals or items they may have forgotten.

Ms. Cecere Hypes asked if there were any questions after sharing the scope of the project. She was asked what experience she has in operating a retreat, she responded that she assisted her mother in the management of a similar retreat in West Virginia.

Council asked Ms. Cecere Hypes to clarify any sales to be conducted at the facility. She responded that guests would have the opportunity to purchase supplies related to quilting such as scissors and notions, which will be stored in the garage at the property. Purchases of such equipment can only be made during a retreat stay or on Tuesday evenings when the retreat is open for special events. Guests who purchase supplies during their stay will take their purchase home with them, along with their quilt.

Mr. Pete Keriazes, 409 Barberry Drive asked if there would be any employees and how trash would be addressed, inquiring if a dumpster would be onsite. Ms. Cecere Hypes responded that trash would be handled just like any other residential property and no dumpster would be onsite. Employees would be individuals hired for housekeeping through a 1099 and Ms. Beall as the designated coordinator. Mr. Keriazes asked if any of the employees have police training to handle unruly guests. Ms. Cecere Hypes responded no, but an emergency plan is in place, guests are required to acknowledge and sign the "rules of the road" and will be immediately removed from the property if they do not. All guests go through a screening process through guilds and will pay approximately \$2,800 - \$3,400 per stay. No hard liquor is permitted at the property.

Mr. Michael Hrinyak, 304 DeGuy Avenue, asked if there is a fire suppression system; Ms. Cecere Hypes responded no, but if it is a requirement, she is happy to do what is required.

Ms. Peg Sennett, 167 Primrose Lane addressed Borough Council with concern of potential increased traffic flow on Primrose Lane because of guests at the retreat. She also expressed concern regarding the stormwater issue. In her opinion, it is getting worse, not better, as water continues to run across her property after heavy rains. She encouraged Borough Council to provide a clear definition for Short-Term Rental as well as provide restrictions. She encourages Borough Council to really think about the outcome, should they approve the proposed Conditional Use request.

Ms. Lynda Butt, 405 Deerfield Drive shared, in her opinion, most people in the surrounding community are unhappy about the proposed quilting retreat. She asked Ms. Cecere Hypes if she had this project in mind when she moved here and if she is at all concerned about unhappy neighbors in her community. Ms. Cecere Hypes responded no; she did not have this project in mind when she moved here. When the vacant lots did not sell, she personally visited each of her immediate neighbors to discuss her proposal and see how they felt, receiving full support. A citizen in the crowd also responded that not everyone is unhappy about the proposed project.

Mr. Michael Fiery, 453 Deerfield Drive asked Ms. Cecere Hypes if she had considered purchasing the Prin House. She replied she had indeed considered purchasing the Prin House, but unfortunately; she was given incorrect information from a local realtor. She decided to hire an attorney to assist in her real estate endeavors. It was determined that the cost of purchasing the Prin House was considerably more than purchasing the lots on Primrose Lane and building what she wanted. Mr. Fiery also asked her if she had considered forming a non-profit and if she had applied for all the necessary licenses for her proposed retreat. She responded that she had considered forming a non-profit entity but decided to proceed with an LLC instead. She acknowledged that she has filed for any necessary business licenses.

Several citizens acknowledged the uncertainty of the actual use of the property and expressed concern regarding changes in the community. The concern of no guidelines for Short-Term-Rental was a recurring theme as well as the allowable use of Short-Term-Rentals in a designated R-1 low density residential area. Council noted that Short-Term-Rental is indeed an allowable use and low density is not defined by how many individuals reside in a home, but how many physical structures are in an area.

Citizens requested to know what a designated coordinator is and what is the role of this individual. Ms. Cecere Hypes responded Betsy Beall will be the designated coordinator, serving as the main point of contact for guests. The designated coordinator is included as one of the 12 permitted guests and will remain onsite during all guest stays.

Mr. Mike Reiblich, Bon-Ton Builders was sworn in as a witness to the hearing to give testimony. He noted that all lighting will be purchased from a local business, The Lighthouse. Stormwater has been addressed through a stormwater plan; any water runoff would be managed onsite. He indicated that a pit is generally what is used in the Borough to handle stormwater runoff. He was addressed by Mr. Baumgardner regarding the parking at the property.

Mayor Witman asked about the homes on Dart Manor having flooding in their basements. Borough Council had no further questions or comments.

Mr. John Hollinger, 5 Holly Court addressed Borough Council and commented it is okay to say "No" to the proposed Conditional Use request.

Dr. Joe Anderson and wife Hazel, 205 Primrose Lane was sworn in stating he lives immediately next door to the proposed home. He acknowledged Lora takes great care of her current property and he expressed full support of the proposed project.

Mrs. Prudence Keffer, 439 Deerfield Drive addressed Borough Council with her concern with the ongoing issue of stormwater run-off and asked Council to provide citizens with guidelines.

Ms. Ashley Vandwater, a resident on Third Street, expressed her support of the project indicating she is an avid quilter and welcomes the idea of such a property. She encouraged Borough Council to clarify to the community the definition of short-term-rental.

Kenneth Wenger requested clarification on the regulations of allowable uses in R-1 neighborhoods.

A resident of 8 Dart Manor Court indicated support for the project and shared that she has had no water in her basement.

Betsy Beall, 390 Dart Drive, commented that she lives adjacent to the property being discussed and does not like noise or unattractive properties. She personally went to every neighbor to ask their opinion on the project and offered to answer any questions. She indicated that all neighbors are in full support of the project.

Paul Haack, 344 Fox Leigh Drive expressed concern about approval of project. He questioned use of the vacant lot and indicated he is uncertain if this proposal is for a business or a residence, questioning what is defined as a business and what is occupancy.

George Hubbard, 401 Chapelwood Drive, expressed concern regarding clarity on the definition of short-term-rental as well as his concerns with flooding and stormwater management at the proposed property.

Ms. Pamela Moser, 2 Holly Court addressed Borough Council regarding their responsibility to let residents know when new ordinances are passed. Council noted that all meetings are properly advertised.

Mr. Jack Keffer, 200 Honeysuckle Court stated a concern with businesses being allowed in R-1 zoning areas.

Mr. Baumgardner, 308 Grant Drive, stated his concerns about the project, including his opinion regarding parking. He also addressed the Borough Council regarding the intent of short-term-rentals in the Borough.

Solicitor Shultis asked all recorded parties of the hearing if they had any additional questions or comments to be addressed to Ms. Cecere Hypes or Borough Council. There were none.

The hearing was opened to the public in attendance to comment on the record.

A resident of 31 Brandy Court, Hanover, PA asked "what is the big deal?"

Mr. Mains acknowledged that "density" has been referred to several times this evening. He clarified that density does not mean how many individuals can live at a residence, it strictly addresses the number of buildings that can be in an area.

Solicitor Shultis invited anyone wishing to provide further evidence or comments on the record to come forward. There were none.

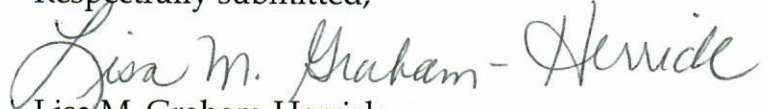
Solicitor Tilly addressed the Borough Council with closing remarks, commenting that Short-Term-Rentals are included in the newly passed Zoning Ordinance and indicated this is the ideal case for a first Conditional Use of Short-Term-Rental. He noted the proposed project is for a vacant lot with drainage problems and stormwater management concerns, which will be addressed prior to any construction. He requested Borough Council consider this proposal favorably. Every adjacent property owner supports this proposal. He requested answering the questions of Borough residents by defining what standards are being used for Conditional Use could be helpful.

Solicitor Shultis acknowledged that Borough Council has 45 days to render a decision on this application and advised them not to make their decision this evening. Vice President Rupp commented that Borough Council would like to take the 45 days to decide and thanked everyone for attending the hearing. Once a decision has been made by Borough Council, a meeting date will be advertised as a public hearing.

Vice President Rupp thanked all for their attendance.

Adjournment: Mr. Roland moved, seconded by Mr. Lockard to adjourn the meeting at 10:00 P.M. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lisa M. Graham-Herrick".

Lisa M. Graham-Herrick

Administrative Assistant

Planning & Engineering Department

Conditional Use Hearing